

1 10A NCAC 13J .1003 is proposed for amendment as follows:

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3 **10A NCAC 13J .1003 PERSONNEL**

4 (a) Written policies shall be established and implemented by the agency regarding infection control and exposure to
5 communicable diseases consistent with Subchapter 19A of Title 15A, North Carolina Administrative Code. These
6 policies and procedures shall include provisions for compliance with 29 CFR 1910 (Occupational Safety and Health
7 Standards) which is incorporated by reference including subsequent amendments. Copies of Title 29 Part 1910 can
8 be purchased from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954,
9 Pittsburgh, PA 15250-7954 or by calling Washington, D.C. (202) 512-1800. The cost is twenty-one dollars (\$21.00)
10 and may be purchased with a credit card. Hands-on care employees must have a baseline skin test for TB.
11 Individuals who test positive must demonstrate noninfectious status prior to assignment in a client's home.
12 Individuals who have previously tested positive to the TB skin test shall obtain a baseline and subsequent annual
13 verification that they are free of TB symptoms. This verification shall be obtained from the local health department,
14 a private physician or health nurse employed by the agency. The Tuberculosis Control Branch of the North Carolina
15 Department of Health and Human Services, Division of Public Health, 1902 Mail Service Center, Raleigh, NC
16 27699-1902 shall provide, free of charge, guidelines for conducting verification and Form DHHS 3405 (Record of
17 Tuberculosis Screening). Employees identified by agency risk assessment, to be at risk for exposure shall be
18 subsequently tested at intervals prescribed by OSHA standards.

19 (b) The agency shall not hire any individual either directly or by contract who has a substantiated finding on the
20 North Carolina Health Care Personnel Registry in accordance with G.S. 131E-256(a)(1).

21 (c) Written policies shall be established and implemented which include personnel record content, orientation and
22 in-service education. Records on the subject of in-service education and attendance shall be maintained by the
23 agency and retained for at least one year.

24 (d) Job descriptions for every position shall be established in writing which include qualifications and specific
25 responsibilities. Individuals shall be assigned only to duties for which they are trained and competent to perform and
26 when applicable for which they are properly licensed.

27 (e) Personnel records shall be established and maintained for each home care employee. When requested, the
28 records shall be available on the agency premises for inspection by the Department. These records shall be
29 maintained for at least one year after termination from agency employment. The records shall include the following:

- 30 (1) an application or resume which lists education, training and previous employment that can be
31 verified, including job title;
- 32 (2) a job description with record of acknowledgment by the employee;
- 33 (3) reference checks or verification of previous employment;
- 34 (4) records of tuberculosis screening for employees for whom the test is necessary as described in
35 Paragraph (a) of this Rule;
- 36 (5) documentation of Hepatitis B immunization or declination for hands-on care employees in
37 accordance with the agency's exposure control plan;

- 1 (6) airborne and bloodborne pathogen training for hands on care employees, including annual updates,
2 in compliance with 29 CFR 1910 and in accordance with the agency's exposure control plan;
3 (7) performance evaluations according to agency policy and at least annually. These evaluations may
4 be confidential pursuant to Rule .0905 of this Subchapter;
5 (8) verification of employees' credentials as applicable; and
6 (9) records of the verification of competencies by agency supervisory personnel of all skills required
7 of home care services personnel to carry out client care tasks to which the employee is assigned.
8 The method of verification shall be defined in agency policy.

9 (f) For in-home aides not listed on the nurse aide registry, personnel records shall include verification of core
10 competencies by a registered nurse that includes the following core personal care skills for in-home aides hired after
11 April 1, 2009:

- 12 (a) Assisting with Mobility including ambulation, transfers and bed mobility.
13 (b) Assisting with Bath/Shower.
14 (c) Assisting with Toileting.
15 (d) Assisting with Dressing.
16 (e) Assisting with Eating.
17 (f) Assisting with continence needs.

18 (g) Agencies shall be in compliance with Paragraph (f) of this Rule no later than April 1, 2009.
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20 *History Note: Authority G.S. 131E-140;*
21 *Eff. July 1, 1992;*
22 *Amended Eff. February 1, 1996; June 1, 1994;*
23 *Temporary Amendment Eff. April 1, 2006;*
24 *Amended Eff. October 1, 2006.*